

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MARIA CHARINA CALA

6019 Delsea Place
San Jose, CA 95123

Registered Nurse License No. **555666**

Respondent

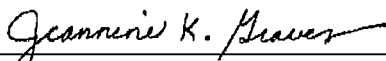
Case No. 2011-729

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **July 22, 2011.**

IT IS SO ORDERED **June 23, 2011.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
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7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:

Case No. 2011-729

12 **MARIA CHARINA CALA**
6019 Delsea Place
13 San Jose, CA 95123
Registered Nursing License No. 555666
14

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent:

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
18 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
19 which will be submitted to the Board for approval and adoption as the final disposition of the
20 Accusation.

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
23 Registered Nursing. She brought this action solely in her official capacity and is represented in
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Char Sachson,
25 Deputy Attorney General.

26 2. Respondent Maria Charina Cala (Respondent) is represented in this proceeding by
27 attorney Edward A. Hinshaw, Esq., whose address is: 12901 Saratoga Avenue, Saratoga, CA
28 95070-9988.

3. On or about June 10, 1999, the Board of Registered Nursing issued Registered Nursing License No. 555666 to Respondent. The Registered Nursing License was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-729 and will expire on August 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 2011-729 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 24, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2011-729 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2011-729. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2011-729.

1 9. Respondent agrees that her Registered Nursing License is subject to discipline and
2 she agrees to be bound by the Board of Registered Nursing (Board)'s probationary terms as set
3 forth in the Disciplinary Order below.

4 CIRCUMSTANCES IN MITIGATION

5 10. Respondent Maria Charina Cala has never been the subject of any disciplinary action.
6 She is admitting responsibility at an early stage in the proceedings.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
10 Registered Nursing may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent or her counsel. By signing the
12 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
19 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
20 effect as the originals.

21 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
26 writing executed by an authorized representative of each of the parties.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order;

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Registered Nursing License No. 555666 issued to
6 Respondent Maria Charina Cala is revoked. However, the revocation is stayed and Respondent is
7 placed on probation for three (3) years on the following terms and conditions.

8 **Severability Clause.** Each condition of probation contained herein is a separate and
9 distinct condition. If any condition of this Order, or any application thereof, is declared
10 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
11 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
12 and enforceable to the fullest extent permitted by law.

13 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A
14 full and detailed account of any and all violations of law shall be reported by Respondent to the
15 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
16 compliance with this condition, Respondent shall submit completed fingerprint forms and
17 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
18 as part of the licensure application process.

19 2. **Comply with the Board's Probation Program.** Respondent shall fully
20 comply with the conditions of the Probation Program established by the Board and cooperate with
21 representatives of the Board in its monitoring and investigation of the Respondent's compliance
22 with the Board's Probation Program. Respondent shall inform the Board in writing within no
23 more than 15 days of any address change and shall at all times maintain an active, current license
24 status with the Board, including during any period of suspension.

25 Upon successful completion of probation, Respondent's license shall be fully restored.

26 3. **Report in Person.** Respondent, during the period of probation, shall
27 appear in person at interviews/meetings as directed by the Board or its designated representatives.

28 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency

1 or practice as a registered nurse outside of California shall not apply toward a reduction of this
2 probation time period. Respondent's probation is tolled, if and when she resides outside of
3 California. Respondent must provide written notice to the Board within 15 days of any change of
4 residency or practice outside the state, and within 30 days prior to re-establishing residency or
5 returning to practice in this state.

6 Respondent shall provide a list of all states and territories where she has ever been licensed
7 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
8 information regarding the status of each license and any changes in such license status during the
9 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
10 license during the term of probation.

11 **5. Submit Written Reports.** Respondent, during the period of probation,
12 shall submit or cause to be submitted such written reports/declarations and verification of actions
13 under penalty of perjury, as required by the Board. These reports/declarations shall contain
14 statements relative to Respondent's compliance with all the conditions of the Board's Probation
15 Program. Respondent shall immediately execute all release of information forms as may be
16 required by the Board or its representatives.

17 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
18 state and territory in which she has a registered nurse license.

19 **6. Function as a Registered Nurse.** Respondent, during the period of
20 probation, shall engage in the practice of registered nursing in California for a minimum of 24
21 hours per week for 6 consecutive months or as determined by the Board.

22 For purposes of compliance with the section, "engage in the practice of registered nursing"
23 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
24 non-direct patient care position that requires licensure as a registered nurse.

25 The Board may require that advanced practice nurses engage in advanced practice nursing
26 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

27 If Respondent has not complied with this condition during the probationary term, and
28 Respondent has presented sufficient documentation of her good faith efforts to comply with this

1 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
2 extension of Respondent's probation period up to one year without further hearing in order to
3 comply with this condition. During the one year extension, all original conditions of probation
4 shall apply.

5 **7. Employment Approval and Reporting Requirements.** Respondent shall
6 obtain prior approval from the Board before commencing or continuing any employment, paid or
7 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
8 performance evaluations and other employment related reports as a registered nurse upon request
9 of the Board.

10 Respondent shall provide a copy of this Decision to her employer and immediate
11 supervisors prior to commencement of any nursing or other health care related employment.

12 In addition to the above, Respondent shall notify the Board in writing within seventy-two
13 (72) hours after she obtains any nursing or other health care related employment. Respondent
14 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
15 separated, regardless of cause, from any nursing, or other health care related employment with a
16 full explanation of the circumstances surrounding the termination or separation.

17 **8. Supervision.** Respondent shall obtain prior approval from the Board
18 regarding Respondent's level of supervision and/or collaboration before commencing or
19 continuing any employment as a registered nurse, or education and training that includes patient
20 care.

21 Respondent shall practice only under the direct supervision of a registered nurse in good
22 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
23 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
24 approved.

25 Respondent's level of supervision and/or collaboration may include, but is not limited to the
26 following:

27 (a) Maximum - The individual providing supervision and/or collaboration is present in
28 the patient care area or in any other work setting at all times.

1 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
2 care unit or in any other work setting at least half the hours Respondent works.

3 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
4 person communication with Respondent at least twice during each shift worked.

5 (d) Home Health Care - If Respondent is approved to work in the home health care
6 setting, the individual providing supervision and/or collaboration shall have person-to-person
7 communication with Respondent as required by the Board each work day. Respondent shall
8 maintain telephone or other telecommunication contact with the individual providing supervision
9 and/or collaboration as required by the Board during each work day. The individual providing
10 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
11 patients' homes visited by Respondent with or without Respondent present.

12 9. **Employment Limitations.** Respondent shall not work for a nurse's
13 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
14 traveling nurse, or for an in-house nursing pool.

15 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
16 registered nursing supervision and other protections for home visits have been approved by the
17 Board. Respondent shall not work in any other registered nursing occupation where home visits
18 are required.

19 Respondent shall not work in any health care setting as a supervisor of registered nurses.
20 The Board may additionally restrict Respondent from supervising licensed vocational nurses
21 and/or unlicensed assistive personnel on a case-by-case basis.

22 Respondent shall not work as a faculty member in an approved school of nursing or as an
23 instructor in a Board approved continuing education program.

24 Respondent shall work only on a regularly assigned, identified and predetermined
25 worksite(s) and shall not work in a float capacity.

26 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
27 request documentation to determine whether there should be restrictions on the hours of work.

28 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall

1 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
2 than six months prior to the end of her probationary term.

3 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
4 Respondent shall submit to the Board the original transcripts or certificates of completion for the
5 above required course(s). The Board shall return the original documents to Respondent after
6 photocopying them for its records.

7 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
8 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
9 amount of \$9,889.00 (nine thousand, eight hundred and eighty-nine dollars). Respondent shall be
10 permitted to pay these costs in a payment plan approved by the Board, with payments to be
11 completed no later than three months prior to the end of the probation term.

12 If Respondent has not complied with this condition during the probationary term, and
13 Respondent has presented sufficient documentation of her good faith efforts to comply with this
14 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
15 extension of Respondent's probation period up to one year without further hearing in order to
16 comply with this condition. During the one-year extension, all original conditions of probation
17 will apply.

18 12. **Violation of Probation.** If Respondent violates the conditions of her
19 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside
20 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

21 If during the period of probation, an accusation or petition to revoke probation has been
22 filed against Respondent's license or the Attorney General's Office has been requested to prepare
23 an accusation or petition to revoke probation against Respondent's license, the probationary
24 period shall automatically be extended and shall not expire until the accusation or petition has
25 been acted upon by the Board.

26 13. **License Surrender.** During Respondent's term of probation, if she ceases
27 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
28 probation, Respondent may surrender her license to the Board. The Board reserves the right to

1 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
2 take any other action deemed appropriate and reasonable under the circumstances, without further
3 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
4 longer be subject to the conditions of probation.

5 Surrender of Respondent's license shall be considered a disciplinary action and shall
6 become a part of Respondent's license history with the Board. A registered nurse whose license
7 has been surrendered may petition the Board for reinstatement no sooner than the following
8 minimum periods from the effective date of the disciplinary decision:

9 (1) Two years for reinstatement of a license that was surrendered for any reason other
10 than a mental or physical illness; or


11 (2) One year for a license surrendered for a mental or physical illness.

12 14. **Therapy or Counseling Program.** Respondent, at her expense, shall
13 participate in an on-going counseling program until such time as the Board releases her from this
14 requirement and only upon the recommendation of the counselor. Written progress reports from
15 the counselor will be required at various intervals.

16 ACCEPTANCE

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
18 discussed it with my attorney, Edward A. Hinshaw, Esq. I understand the stipulation and the
19 effect it will have on my Registered Nursing License. I enter into this Stipulated Settlement and
20 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
21 Decision and Order of the Board of Registered Nursing.

22
23 DATED: 4-25-2011



24 MARIA CHARINA CALA
Respondent

25 I have read and fully discussed with Respondent Maria Charina Cala the terms and

26 ///

27 ///


1 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
2 I approve its form and content.

3 DATED: 4-25-11 
4 Edward A. Hinshaw, Esq.
5 Attorney for Respondent

6 ENDORSEMENT

7 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
8 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
9 Affairs.

10 Dated: April 18, 2011

11 Respectfully submitted,
12 KAMALA D. HARRIS
13 Attorney General of California
14 FRANK H. PACOE
15 Supervising Deputy Attorney General
16 
17 CHAR SACHSON
18 Deputy Attorney General
19 Attorneys for Complainant

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Exhibit A

Accusation No. 2011-729

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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-729**

12 **MARIA CHARINA CALA**
13 **6019 Delsea Place**
San Jose, CA 95123

ACCUSATION

14 **Registered Nursing License No. 555666**

15 **Respondent.**

16
17 **Complainant alleges:**

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about June 10, 1999, the Board of Registered Nursing issued Registered
23 Nursing License Number 555666 to Maria Charina Cala (Respondent). The Registered Nursing
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on August 31, 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

10 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
11 functions.

12 ..."

13 6. Section 2762 of the Code states:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
16 chapter to do any of the following:

17 ...

18 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
19 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
20 section,"

21 7. Section 2725 of the Code states:

22 "(a) In amending this section at the 1973-74 session, the Legislature recognizes that
23 nursing is a dynamic field, the practice of which is continually evolving to include more
24 sophisticated patient care activities. It is the intent of the Legislature in amending this section at
25 the 1973-74 session to provide clear legal authority for functions and procedures that have
26 common acceptance and usage. It is the legislative intent also to recognize the existence of
27 overlapping functions between physicians and registered nurses and to permit additional sharing
28 of functions within organized health care systems that provide for collaboration between

1 physicians and registered nurses. These organized health care systems include, but are not
2 limited to, health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of
3 Division 2 of the Health and Safety Code, clinics, home health agencies, physicians' offices, and
4 public or community health services.

5 "(b) The practice of nursing within the meaning of this chapter [the Nursing Practice Act]
6 means those functions, including basic health care, that help people cope with difficulties in daily
7 living that are associated with their actual or potential health or illness problems or the treatment
8 thereof; and that require a substantial amount of scientific knowledge or technical skill, including
9 all of the following:

10 (1) Direct and indirect patient care services that ensure the safety, comfort, personal
11 hygiene, and protection of patients; and the performance of disease prevention and restorative
12 measures.

13 (2) Direct and indirect patient care services, including, but not limited to, the
14 administration of medications and therapeutic agents, necessary to implement a treatment, disease
15 prevention, or rehabilitative regimen ordered by and within the scope of licensure of a physician,
16 dentist, podiatrist, or clinical psychologist, as defined by Section 1316.5 of the Health and Safety
17 Code.

18
19 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
20 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
21 licensee or to render a decision imposing discipline on the license.

22 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

26 ///

27 ///

28 ///

DRUGS

10. Epinephrine is a dangerous drug per Business and Professions Code section 4022. It increases heart rate, contracts blood vessels and dilates air passages.

11. Neo-Synephrine is a dangerous drug per Business and Professions Code section 4022. It is used in the treatment of hypotension, vascular failure in shock, as a vasoconstrictor in regional analgesia and supraventricular tachycardia.

12. Vasopressin is a dangerous drug per Business and Professions Code section 4022. It is an anti-diuretic and increases arterial blood pressure. It is used in the treatment of central diabetes insipidus, and helps to control frequent urination, excessive thirst and dehydration associated with diabetes.

FACTUAL BACKGROUND

13. 79 year-old "Patient 1" was admitted to O'Connor Hospital in San Jose, California, on May 21, 2009 with a diagnosis of severe tricuspid regurgitation (leakage of blood back through the tricuspid valve of the heart) and right-sided congestive heart failure. Patient 1 also suffered from atrial fibrillation, bradycardia-tachycardia syndrome with a pacemaker, diabetes, renal failure with dialysis, and coronary artery disease.

14. Patient 1 was taken to surgery at O'Connor Hospital on May 21, 2009 at 7:00 a.m. for a tricuspid valve repair and coronary bypass surgery. After surgery, she was admitted to the Intensive Care Unit ("ICU") at 3:30 p.m. While in the ICU, she had excessive bleeding. She was taken back to the operating room for exploratory surgery. Patient 1 returned to the ICU at 9:30 p.m. and Respondent assumed her care.

15. Orders for Patient 1 included:

a. Epinephrine 4 mg/250 ml (4 milligrams per 250 milliliters) in 0.9% sodium chloride starting at 0.01 mcg/kg/min (0.01 micrograms per kilogram per minute), to maintain cardiac index ("CI") over 2, and systolic blood pressure over 90, with a maximum dosage of 0.1 mcg/kg/min.

1 b. Vasopressin 100 units in 250 ml of 0.9% sodium chloride starting at 0.01 unit/min
2 to keep SVR (systemic vascular resistance) greater than 1200 or systolic blood pressure greater
3 than 100. The physician's order stated that as much as .04 unit/min could be administered.

4 c. Neo-Syneprine 20 mg in 250 ml of 0.9% sodium chloride starting at 20 mcg/min.
5 Orders were to initiate Neo-Syneprine if the CI was over 3 to maintain systolic blood pressure
6 greater than 90, with a maximum of 60 mcg/min.

7 16. From 9:30 p.m. until 10:45 p.m., Respondent administered 0.2 mcg/kg/min of
8 epinephrine to Patient 1, twice the maximum permitted by the physician's order. From 10:45
9 p.m. to 4:15 a.m., Respondent administered 0.1 mcg/kg/min of epinephrine.

10 17. At 4:25 a.m. on May 22, 2009, Respondent again increased the epinephrine to 0.2
11 mcg/kg/min. At 5:15 a.m., Respondent increased the epinephrine to 0.4 mcg/kg/min. At 5:43
12 a.m., Respondent increased the epinephrine to 0.6 mcg/kg/min. There was no physician's order
13 to exceed the maximum dosage of 0.1 mcg/kg/min.

14 18. Respondent increased the dosage of Neo-Syneprine from 0.6 mcg/kg/min to 0.8
15 mcg/kg/min from 5:35 a.m. until 7:00 a.m. when she ended her shift (the maximum permitted
16 dosage was 0.7 mcg/kg/min).

17 19. At 6:40 a.m. on May 22, 2009, Respondent started Patient 1 on Vasopressin at 0.02
18 units/min. At 6:50 a.m., Respondent increased the dosage to 0.1 units/min. There was no
19 physician's order to exceed the maximum dosage of 0.04 units/min.

20 20. Between 2:00 a.m. and 6:40 a.m. on May 22, 2009, Patient 1's systolic blood
21 pressures were consistently below 100. Respondent failed to start Vasopressin during that time.
22 Finally, at 6:40 a.m. Respondent was directed to do so by the physician. The physician's order
23 was that Vasopressin be utilized to keep systolic blood pressure greater than 100.

24 21. At some point during Respondent's shift, Respondent asked the night pharmacist to
25 prepare a bag of Epinephrine 8 mg/250 ml (double the concentration ordered by the physician).
26 When the Epinephrine arrived on the unit at approximately 6:00 a.m., Respondent asked the
27 resource RN on shift to add an additional 8 mg of Epinephrine to the bag so the bag would
28 contain 16 mg/250 (four times the concentration ordered by the physician). Patient 1 was

1 administered 16 mg/250 ml of epinephrine at 0.6 mcg/kg/min from 7:00 a.m. to 9:15 a.m. on May
2 22, 2009.

3 22. Respondent failed to chart administration of the above medications on Patient 1's
4 Medication Administration Record ("MAR").

5 23. Patient 1 died on May 23, 2009.

6 FIRST CAUSE FOR DISCIPLINE

7 (UNPROFESSIONAL CONDUCT - EXCEEDING PHYSICIAN'S ORDERS)

8 24. Respondent is subject to disciplinary action under section 2761(a) in that she
9 administered medications in excess of physician's orders as alleged above in paragraphs 16
10 through 19 and 21 above.

11 SECOND CAUSE FOR DISCIPLINE

12 (UNPROFESSIONAL CONDUCT - UNINTELLIGIBLE MEDICATION RECORDS)

13 25. Respondent is subject to disciplinary action under sections 2761(a) and 2762(e) in
14 that she failed to document administration of medications in Patient 1's Medication
15 Administration Record as alleged in paragraph 22 above.

16 THIRD CAUSE FOR DISCIPLINE

17 (PRACTICING OUTSIDE OF SCOPE)

18 26. Respondent is subject to disciplinary action under section 2725(b)(2) in that she
19 practiced outside the scope of nursing practice when she administered medications in excess of
20 physician's orders as alleged above in paragraphs 16 through 19 and 21 above.

21 FOURTH CAUSE FOR DISCIPLINE

22 (UNPROFESSIONAL CONDUCT)

23 27. Respondent is subject to disciplinary action under section 2761(a) in that she acted
24 unprofessionally as alleged above in paragraphs 17 through 26.

25 PRAYER

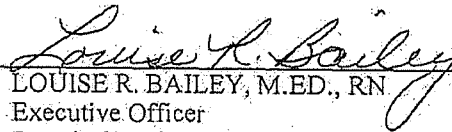
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Registered Nursing issue a decision:
28

1 1. Revoking or suspending Registered Nursing License Number 555666, issued to
2 Maria Charina-Cala;

3 2. Ordering Maria Charina Cala to pay the Board of Registered Nursing the reasonable
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions
5 Code section 125.3;

6 3. Taking such other and further action as deemed necessary and proper.
7
8

9
10 DATED: 2/24/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California.
Complainant

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